

United States District Court
Western District of Texas
Austin Division

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREG ABBOTT, in his capacity as Governor
of the State of Texas, and THE STATE OF
TEXAS,

Defendants.

No. 1:23-cv-00853-DII

EPI'S CANOE & KAYAK TEAM, LLC AND
JESSIE FUENTES,

Plaintiffs,

v.

STATE OF TEXAS, *et al.*,

Defendants.

No. 1:23-cv-00836-DII

**DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTIONS FOR PRELIMINARY
INJUNCTION**

EXHIBIT E

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA,)	
)	
)	
Plaintiff,)	
)	
VS.)	CIVIL ACTION
)	NO.1:23-00853-DAE
)	
)	
GREG ABBOTT, in his official)	
capacity as Governor of the)	
State of Texas, and the State)	
of Texas,)	
)	
)	
Defendants.)	

ORAL DEPOSITION OF

MARIO GOMEZ

AUGUST 7, 2023

VOLUME 1

ORAL DEPOSITION OF MARIO GOMEZ, produced as a witness at the instance of the DEFENDANT, and duly sworn, was taken in the above-styled and numbered cause on August 7, 2023, from 2:07 p.m. to 3:21 p.m., before Ariana McCoy, CSR in and for the State of Texas, reported by stenographic means, at the office of USAO San Antonio Office, 601 Northwest Loop 410, Suite 600, San Antonio, Texas 78216, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

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P R O C E E D I N G S

THE REPORTER: Today is August 7th, 2023. The time is 2:07 p.m. We're on the record. Mr. Gomez, would you please raise your right hand?

MARIO GOMEZ,
having been first duly sworn, testified as follows:

EXAMINATION

BY MR. SWEETEN:

Q. Good afternoon. Will you please state your full name for the record, sir?

A. Mario Gomez.

Q. Mr. Gomez, what is your business address?

A. My business address, 1 Reservoir Road, Falcon Heights, Texas 780- -- 78545.

Q. All right. And you live in -- live in what city?

A. Laredo, Texas.

Q. Laredo. Okay. All right. And -- and you work -- do you commute to work at the Falcon Dam address you just gave us?

A. Yes.

Q. Okay. And -- and how long have you held that? By -- by the way, what's the -- what is your position there?

A. Area Operations Manager.

Q. Okay. And you work at the Amistad Dam Field Office of the United States, Section of the IBWC; is that right?

A. At the moment.

1 Q. Okay. Why do you say at the moment? Are you
2 leaving?

3 A. No. Normally my position is at Falcon Dam Field
4 office, right now I'm a TDY, so 120 days detailed to Amistad.

5 Q. Okay. So you're working at Amistad for 120 days. Is
6 that like an MOU or a Memorandum of Understanding or something?

7 A. It's -- yeah, like a temporary thing that -- your new
8 duty station.

9 Q. Okay. So you've worked at Falcon Head before this?

10 A. Yes.

11 Q. And now you work at Amistad for the 120-day period?

12 A. Yes.

13 Q. All right. How long have you worked at Falcon Head?

14 A. I started with the agency as area manager was --
15 since about 2013 or '14.

16 Q. Okay. And -- and what do you do as the area manager
17 of Falcon Head? Let's start there.

18 A. Okay. So it's mainly operations and maintenance of
19 the dam and hydroelectric power plant, which is maintaining the
20 dam, telemetry equipment. Same with the power plant, keeping
21 the units operational.

22 Q. Okay. And what do you do for Amistad, is it the same
23 type of job?

24 A. Yes.

25 Q. Okay. So basically your -- your specialty is dams,

1 correct?

2 A. Yes.

3 Q. All right. And let -- let me just ask you a few
4 things. You work for the IBWC, which is, as I understand it,
5 is sort of a -- a joint -- well, explain to me what it is.

6 A. International Bond and Water Commission, I guess it's
7 a -- an international agency. The U.S. section and the Mexican
8 section. And our mission mainly relates to boundary
9 demarcation, flood control, water -- allocation of water
10 resources. Some other, like, sanitation and water quality.

11 Q. Okay. And -- and I'm going to stop here. And I've
12 forgotten to kind of ask you, have you had your deposition
13 taken before today? Before today, any depositions?

14 A. No.

15 Q. Okay. Has your lawyer had the opportunity to explain
16 what a deposition is and sort of the deposition process?

17 A. Yes.

18 Q. Okay. A few things, few rules of the road, I'll just
19 run by you. First of all, you understand you're under oath at
20 all times today?

21 A. Yes.

22 Q. You understand you're testifying as if you were --
23 were in court and that portions of your testimony could be
24 pertinent to the Court sitting in on this matter?

25 A. Yes.

1 Q. Okay. We've got here today, a court reporter, that's
2 going to be taken down the words that you and I say to each
3 other. I'm going to try my very best to not step on your
4 answer when you're giving an answer. I'm going to try to let
5 you complete the answer, and if you would, in turn, try to let
6 me complete my question. And that way we can make sure that we
7 have a clear record of what you and I talked about today.
8 Okay?

9 A. Yes.

10 Q. You can do that for me. The second thing is, often
11 in conversation we use gestures and head nods and uh-huh and
12 uh-uh. And so she can't take those down or if we -- if we do
13 read them later, we won't know what they were. So there may be
14 times today where I ask you to -- to give a verbal answer.
15 If -- if you and I -- if -- if they're -- if -- if we are
16 giving gestures or uh-huhs or uh-uh or shakes of the head, I
17 may just ask you, "Is that yes or no?"

18 And so I'm doing that to make sure I've got a
19 clear record and that's the reason. Okay?

20 A. Okay.

21 Q. All right. Also, I'm -- when I ask a question, if
22 you don't understand what I'm asking you, feel free to just ask
23 me to rephrase it. I'll try to -- my very best to do that. If
24 you answer the question though, I'll -- I'll assume that you
25 understood what the question asked; is that fair?

1 A. Okay.

2 Q. All right. And we were talking about your work on
3 the dams. You don't work -- or -- or do you work for Customs
4 and Border Patrol or have any role with Customs and Border
5 Patrol?

6 A. No.

7 Q. Okay. Do you have any role with -- with the Coast
8 Guard of any kind?

9 A. No.

10 Q. Okay. Do you have any functional role working on the
11 actual Rio Grande River itself, other than the dam release,
12 obviously into the Rio Grande? Do you work on the river?

13 A. Yes.

14 Q. You do work on the river. What do you do? What are
15 your function -- what are your jobs on that -- that interact
16 with working on the river?

17 A. My personal?

18 Q. Say it again.

19 A. My personal role?

20 Q. Yeah.

21 A. Site inspections.

22 Q. Okay. And what types of site inspections do you do
23 on the river?

24 A. Since part of our mission is flood control, so -- so
25 we look out for any developments, any activities are going on

1 in the river, any new construction sort of. And that's sort of
2 my duties, just to report on any new developments. There are
3 some activities that go through it for agency review. We
4 review them and my role is to sometimes visit those sites just
5 to make sure that the work is carried out to the specs that
6 they -- that the proponent proposed.

7 Q. Okay. Are you familiar with the section of the river
8 where the buoys that are the subject of this lawsuit are
9 positioned right now?

10 A. Yes.

11 Q. Okay. And let me just ask you, if you could give us
12 a de- -- a description of that part of the river in your own
13 words.

14 A. Well, I don't know. It's kind of shallow area,
15 there's green vegetation on the Mexican embankment. The U.S.
16 side, it's a little bit silty, I guess, sandy. I don't know
17 what else.

18 Q. Are there -- are there rocks located in the river?
19 Shallow parts, too?

20 A. I cannot say. I can't remember.

21 Q. Can you tell us, are there barriers on the -- on
22 the -- the river islands -- barrier islands there?

23 A. There at that particular site?

24 Q. Yes, at that particular site?

25 A. Not that I can recall.

1 Q. Okay. As I understand it, the majority of watercraft
2 on that portion of the river is law enforcement right now and
3 their -- and their airboats. Would you agree with that
4 statement?

5 A. Yes.

6 Q. Are there any other watercraft that you could single
7 out right now in that section of the river? The area of the
8 buoys.

9 A. Can't say that.

10 Q. Okay. There's not any that you could think of other
11 than law enforcement presence in that general section, correct?

12 A. That's correct.

13 Q. Okay. And -- and law enforcement is not -- the --
14 the boats that are able to operate in and around that section
15 of the river are -- are -- are these airboats, right, that
16 don't require a lot of depth to navigate, correct?

17 A. Yes.

18 Q. Because if you required a lot of depth to navigate,
19 you wouldn't be able to -- to negotiate large portions of that
20 river, correct?

21 A. Yes.

22 Q. Okay. Any other watercraft you can think of other
23 than the airboats that you see from time to time from law
24 enforcement?

25 A. No.

1 Q. Okay. So the types of boats that would be in that
2 section of the buoys are law enforcement airboats you've --
3 you've said. Have you ever seen any non-law enforcement
4 watercraft in that area?

5 A. I cannot say I have.

6 Q. Okay. What about any kind of recreational craft of
7 any kind in that area?

8 A. While I visited, I did not see any of that.

9 Q. Okay. All right. I'm going to ask you just as a
10 general question, have you ever sat down and researched the
11 historical watercraft uses of the Rio Grande that are in the
12 Maverick County portion specifically?

13 A. I cannot say that.

14 Q. Okay. Are you aware of any federal or state court
15 decisions that have determined the -- whether or not that area
16 is navigable waters?

17 A. I cannot say that.

18 Q. Okay. All right. When were you first approached to
19 provide an affidavit or a declaration in this case, Mr. Gomez?

20 A. Probably last week.

21 Q. Okay. Let me show you a copy of it. I'll go ahead
22 and mark it as Exhibit 1 for purposes of this deposition.

23 (Exhibit 1 marked.)

24 MR. SWEETEN: Clean copy for Mr. Gomez here.

25 Can you help me out with that?

1 MR. MARX: Yes.

2 MR. SWEETEN: There's about 10 of them in there.

3 MR. MARX: All right. Here we go.

4 MR. SWEETEN: That's the color, I should mark
5 that as 1.

6 MS. KRUGER: Yeah, this is the one.

7 MS. PEREZ: Oh.

8 MS. KRUGER: This is -- yeah. Yeah. Yeah.

9 MR. SWEETEN: Just put a 1 right there. There
10 you. Okay.

11 Q. (BY MR. SWEETEN) All right. So very quickly just
12 want to ask you, is this -- this -- I know this is called --
13 this is Exhibit 1, but it's called Detachment 2 on the front
14 page. Is this the declaration that you were asked to provide
15 in this case, Mr. Gomez?

16 A. Yes.

17 Q. And who asked you to provide this, sir?

18 A. My lawyers.

19 Q. Okay. Can you tell me who specifically you've had
20 interactions with?

21 A. IBWC lawyers.

22 Q. Okay. Is that -- I don't remember her name on the
23 phone.

24 A. Ms. -- Ms. Rebecca Rizzuti and Ms. Jennifer Pena.

25 Q. Okay. So -- so those two individuals are the people

1 that you've talked to about this -- this issue, correct?

2 A. Yes.

3 Q. When did you first learn about this lawsuit filed by
4 DOJ? I guess, let me ask it a different way because you knew
5 it was coming, right, because you signed an affidavit in
6 advance of the lawsuit, executed on July 25th, 2023; is that
7 right?

8 A. I cannot speak.

9 MS. PEREZ: Objection, form.

10 Q. (BY MR. SWEETEN) Well, let me ask it another way.

11 When did you first learn about the lawsuit?

12 Because it appears you executed the affidavit the day after the
13 lawsuit, which is then part of the preliminary injunction
14 motion that was filed the next day. So when did you first hear
15 about the lawsuit?

16 A. Yeah, I cannot say when exactly.

17 Q. Okay. And then you were obviously contacted either
18 on the 25th or before that time about providing a declaration,
19 correct?

20 A. I know it was last week. I can't say specific date.

21 Q. Okay. So it was like either it would've been Monday
22 or Tuesday of last week, would you think?

23 A. I guess I signed it on -- signed it on the 25th.

24 Q. I don't have my calendar, so...

25 A. Yeah.

1 Q. I have -- here -- let's -- let's figure it out
2 together.

3 All right. Okay. So it was signed the -- it --
4 it says it signed the 25th, so that would've been Tuesday of
5 not last week, but the week before.

6 A. Okay.

7 Q. So two weeks ago is when you first signed this
8 declaration?

9 A. Right.

10 Q. Okay. Is that on the day you signed the declaration?
11 Was that the day that you met with the attorneys in the case?

12 A. I met with the attorneys for this?

13 Q. For the IBWC.

14 A. Yes.

15 Q. You met with the two attorneys from the IBWC, was it
16 the same day that you executed this?

17 A. To review my statement.

18 Q. Okay. So you had had a previous meeting with those
19 attorneys. Do you know when that was?

20 A. Happened so fast.

21 Q. Okay.

22 A. Maybe.

23 Q. So you have probably seen quite a bit being in both
24 of the Falcon at -- at the Falcon Lake Dam -- Falcon Lake --

25 A. Falcon Dam.

1 Q. Falcon Dam and the Amistad Dam, you've seen a lot
2 with respect to the border crisis, correct?

3 MS. PEREZ: Objection, form.

4 Q. (BY MR. SWEETEN) Have you seen -- I mean, you're
5 familiar with the current border crisis, aren't you?

6 A. I don't keep up with the information.

7 MS. PEREZ: Objection, form.

8 Q. (BY MR. SWEETEN) Okay.

9 MS. PEREZ: You can answer if you can.

10 Q. (BY MR. SWEETEN) You -- you would agree with me
11 that -- that at this -- that over the last two years that --
12 that millions of migrants have gone over, have crossed the Rio
13 Grande to migrate into the United States, correct?

14 A. I cannot say.

15 Q. Okay. Well, let -- let me just ask you. I'll just
16 show you a document. I'll mark it as Exhibit Number 2. Take a
17 look at that.

18 (Exhibit 2 marked.)

19 MR. SWEETEN: If you could add that to them.

20 MS. PEREZ: Thanks.

21 Q. (BY MR. SWEETEN) And I'm show you there's official
22 government.

23 MR. SWEETEN: Yeah, we've got you.

24 Q. (BY MR. SWEETEN) There's official government
25 document of from the U.S. Customs and Border Patrol. Do you

1 see that? And -- and do you see what it's entitled? The CBPs,
2 Customs of Border Patrol releases June 2023 monthly update,
3 right?

4 A. Yes.

5 Q. In it they're talking -- one thing they're talking
6 about, if we can go to page 2 together, an Operation Artemis.
7 Do you see that? It's in the middle of the page with those
8 bullet points. Do you see it, sir?

9 A. Yes, sir.

10 Q. See you where it says -- by the way, did you have
11 any -- any part or were you aware of Operation Artemis that
12 began on June 5th, according to this document "And had made
13 over 130 seizures, including 21 pill presses, more than 5,000
14 pounds of precursor chemicals, more than 300 pounds of
15 methamphetamine and over 5,000 pounds of other drugs." Were
16 you familiar with that -- that operation?

17 A. I cannot say.

18 Q. Okay. Okay. So if we can go, ensuring border
19 security and effectively managing migration from the CPB
20 document, if you look at the top of the second page of Exhibit
21 Number 2, it says "In June, the first full month since the
22 lifting of the Title 42 Public Health Order, U.S. Border Patrol
23 recorded 99,545 encounters between ports of entry along the
24 southwest border." Do you see that, where it says that?

25 A. Okay.

1 Q. Okay. Do you have any estimate -- I mean, do you --
2 living where you do, which is along the -- working where you do
3 along the border, do you have any estimate as to how many
4 migrants have illegally entered the United States over the last
5 two years, say?

6 MS. PEREZ: Objection, scope. I'm going to
7 direct the witness not to answer because this obviously goes
8 outside the scope of what the Court ordered.

9 MR. SWEETEN: What did the Court order? What
10 did -- let's -- let's --

11 MS. PEREZ: The topic is just going to be about
12 the obstruction under the Court order --

13 MR. SWEETEN: Well, no, let's just -- read it to
14 me what you're saying prohibits this question.

15 MS. PEREZ: Yeah. Page 6 of the Court's
16 August 3rd order states that "The Court finds it proper to
17 allow expedited discovery for the limited purpose of
18 investigating the factual assertions made by the declarance on
19 obstruction."

20 MR. SWEETEN: Okay. Well, I mean, I -- my
21 argument would be that -- that, you know, this goes to the
22 certainly to the balancing of interests portion. This goes to
23 the -- the -- the purpose of -- of putting the buoys out. I'm
24 not going to belabor this though, but I'll just -- I'll ask the
25 last question and then if you're going to instruct him not to

1 answer then -- then that's -- we'll go forth on other things.

2 Q. (BY MR. SWEETEN) I was going to ask you if you had
3 any estimate as to how many illegal migrants came into the --
4 into the U.S. over the last two year period, if you know about
5 it?

6 MS. PEREZ: Same objection. And I'll go ahead
7 and -- you can go ahead and answer, if you know, Mr. Gomez.

8 A. No, I don't know.

9 Q. (BY MR. SWEETEN) Okay. Let's move on. I do really
10 want to engage with the things that you've -- you've indicated
11 in your affidavit in particular. Do you have any understanding
12 as to -- and one of the things that you discussed in your
13 affidavit is the DPS operations of -- of placing some buoys in
14 the river, correct?

15 A. Correct.

16 Q. And you understand that the purpose of placing those
17 buoys was because it is a -- a section of the river where
18 the -- the Operation Lone Star is trying to prohibit migrants
19 from crossing from what -- the Mexican side to the Texas side;
20 is that your understanding of the buoys?

21 MS. PEREZ: Objection, form.

22 A. Correct.

23 Q. (BY MR. SWEETEN) Okay. Now, you've -- in your
24 affidavit you provided pictures and so if we can have that.
25 Thank you. I've lost my copy apparently. Is it under here?

1 There we go. That's better.

2 Okay. So let's turn to the affidavit itself,
3 and the first paragraph you talk about what it is you do. You
4 currently work in Maverick County, Texas, correct?

5 A. Correct. Right.

6 Q. And you're familiar with the -- your familiarity with
7 the Rio Grande, would you agree, that not all of the Rio Grande
8 is the same as far as water levels, flow, terrain, et cetera?
9 That some -- that -- that it differs along the 1200 mile
10 stretch of the Rio Grande River based on your experience?

11 A. I would agree.

12 Q. Okay. And in your affidavit on paragraph 3, you talk
13 about a meeting that you attended in El Paso with DPS. Do you
14 recall that meeting?

15 MS. PEREZ: Objection, form.

16 A. Meeting?

17 Q. (BY MR. SWEETEN) So in paragraph 3 it says, "On
18 June 12th, 2023, I attended a meeting in Eagle Pass, Texas,
19 with the Texas Department of Public Safety."

20 A. Yes.

21 Q. Did I read that correctly?

22 A. (Nods head.)

23 Q. Okay. Can you tell me who was in attendance at that
24 meeting?

25 A. They're in Exhibit A.

1 Q. Okay. Let's go to Exhibit A. And -- and Exhibit A,
2 as I understand it, is a one page document that is dated
3 June 12th, 2023 that you indicate sort of summarizes your
4 meeting with DPS; is that right?

5 A. I would agree.

6 Q. Okay. And did you -- were you asked to write this,
7 or did you write this as a matter of course?

8 A. This was prepared by our safety advanced engineer,
9 his name is listed there, Evelio Siller.

10 Q. Okay. All right. You say, "The buoy project is part
11 of Governor Greg Abbott's loans Operation Lone Star Initiative.
12 The City of Eagle Pass are 100 percent on board with the
13 DPS/Texas National Guard operations for border security." Did
14 I read that correctly?

15 A. Yes.

16 Q. Okay. Do you know who's -- it -- it says that's a --
17 one of the Meeting Notes and Highlights. Is that -- do you
18 recall who said these things, or would you say that's just a
19 summary of the things that were discussed?

20 A. I believe maybe Mr. Isaac Gonzalez.

21 Q. Okay.

22 A. Lieutenant.

23 Q. And let's go over who was at the meeting. There was
24 an individual named Mario Gomez, who -- he is with the IBWC; is
25 that correct?

1 A. Yes.

2 Q. That's you?

3 A. Yes.

4 Q. Demetrius Gaines, IBWC?

5 A. Assistant area manager.

6 Q. Okay. Evelio Siller is your assistant?

7 A. He's safety advanced engineer.

8 Q. Okay. Luise Martinez?

9 A. He's in charge of our security.

10 Q. Okay. Isaac Gonzalez?

11 A. DPS, Lieutenant.

12 Q. All right. Mr. Cordova?

13 A. Can't recall who.

14 Q. And then you said Laredo section lead. Do you know
15 who that was?

16 A. No, I can't remember. I just remember that he was
17 from the Laredo area.

18 Q. Okay. And those were all the IBWC attendees and all
19 the DPS attendees that you recall being at the meeting,
20 correct?

21 A. Correct.

22 Q. Was it a cordial meeting?

23 A. Yes.

24 Q. It says that the issue of Operation Lone Star and
25 operations for border security were discussed at the meeting?

1 A. Yes.

2 Q. Okay. And -- and have you had prior meetings with
3 DPS on the issue of border security?

4 A. No.

5 Q. Okay. Is this the first one you attended with DPS?

6 A. Yes.

7 Q. Okay. Or was it a -- what -- what was it a helpful
8 meeting or -- and -- and a positive meeting generally?

9 A. Yes, I would say so.

10 Q. Okay. All right. And at the meeting it was
11 discussed that Maverick County would be an initial test site
12 for the buoy system, correct?

13 A. Yes.

14 Q. That the "Buoy system project had been an ongoing
15 7-month design project with coordination between DPS,
16 Department of Homeland Security, Texas National Guard, Texas
17 Parks and Wildlife." And that it had been approved and funded
18 by the state of Texas. That's what this says about the
19 meeting, correct?

20 A. Yes.

21 Q. And is that what was discussed in the meeting, that
22 it had been that sort of joint project between DHS and DPS and
23 the other agencies listed?

24 MS. PEREZ: Objection, form.

25 A. DHS, it was more of a heads up.

1 Q. (BY MR. SWEETEN) Okay.

2 A. Yeah, that was it.

3 Q. So this says though that, the buoy system project had
4 been an ongoing 7-month design project with coordination with
5 DHS. Was DHS coordinated with on the buoy design as this says?

6 A. I can't say.

7 Q. Okay. You weren't involved in that in -- in the
8 development of the project prior to this meeting on June 12th;
9 is that what I'm understanding?

10 A. Right. I can't...

11 Q. Okay. All right. Is this the first time that you
12 had heard of the buoy system?

13 A. I can say yes.

14 Q. Okay. So the June 12th meeting was the first time
15 you ever heard buoys discussed, correct?

16 That's, yes? Gotcha.

17 A. Yes.

18 Q. All right. And -- and so it's the case then that --
19 that they may have had multiple discussions before, but this
20 was your first time to discuss buoys with them, correct?

21 A. Correct.

22 Q. Okay. It says that the buoy system will be installed
23 in three strategic locations to prevent that drownings. That
24 is what was discussed at the meeting, correct?

25 A. Correct.

1 Q. Okay. That, in other words -- and are you aware that
2 last year some 1,238 migrants drowned? No. "1,238 migrant
3 deaths and disappearances were recorded in 2021." Did you --
4 were you aware that that figure was that high?

5 MS. PEREZ: Objection, scope, but you can
6 answer, if you know, Mr. Gomez.

7 A. No, I don't.

8 Q. (BY MR. SWEETEN) Okay. I mean, you -- you knew it
9 was high though? I mean, you knew it's dangerous for migrants
10 to cross rivers and migrate in non ports of entry, correct?

11 MS. PEREZ: Same objection, and you can answer,
12 if you know, Mr. Gomez?

13 A. Crossing the river, yeah, it's dangerous.

14 Q. (BY MR. SWEETEN) Okay. This says from the meeting
15 notes, it says, "Installation of the first (1,000 ft) of buoy
16 system will start approximately July 7th-10th of 2023 with an
17 estimated completion of 2-3 weeks." Did I read that correctly?

18 A. Yes.

19 Q. Were you appreciative of the fact that -- that this
20 was being openly discussed by these multiple agencies, both
21 state and federal, the issue of -- of the buoy system, and that
22 you were included and given a heads up?

23 A. Yes.

24 Q. Okay. Are those folks that you generally have had
25 good relationships with and coordination with in the past?

1 A. This was my first meeting with DPS --

2 Q. Okay.

3 A. -- from that area.

4 Q. Did you walk away with a good impression of that
5 meeting?

6 A. Yes.

7 Q. Okay. It says that there was there -- what was --
8 I -- I think this says what was discussed is that there would
9 be a "Buoy System-interconnecting linkable 4 foot diameter
10 floating barriers." Did I read that right?

11 A. Yes.

12 Q. Okay. That the manufacturer of the buoys was
13 Cochrane, USA. The contractor was Spencer Construction, and
14 then that DP -- that, I'm sorry. "Texas Parks and Wildlife had
15 brought up concerns about utilizing netting. Project plans
16 were not shared at the meeting." But the "Local operation has
17 been instructed to point IBWC to the State of Texas Land office
18 for further project details." Did I read that correctly?

19 A. Yes.

20 Q. Is there anything outside of what's been reported
21 on -- in these notes that you're saying that you recall about
22 the meeting? Or does this accurately capture what happened at
23 the meeting in your opinion?

24 A. I think it's captured here.

25 Q. Okay. Now, DPS in -- in paragraph 4, I'm -- I'm kind

1 of going back to page 3 of your affidavit, Mr. Gomez. It says
2 that you were told, in the meeting, that DPS said this was a
3 test for these buoy barriers, correct?

4 A. Yes.

5 Q. Okay. Were you aware, either from the meeting or
6 sometime after that, that the buoy system had actually been
7 developed for the federal government to employ at some point?

8 A. Can't say that I remember right now.

9 Q. Okay. And it looks like I -- I think from your
10 affidavit, it appears that though there was some discussion of
11 putting it at the International Railroad Bridge near Eagle
12 Pass, that it ended up being placed in another location; is
13 that right?

14 A. That is correct.

15 Q. Okay. And how far from the -- how far from the
16 International Bridge was -- were the buoys placed
17 approximately?

18 A. Two, three miles.

19 Q. Okay. And do you know why they chose that test site
20 for the buoys rather than the International Bridge?

21 A. No.

22 Q. Okay. Did you have any problem with that? Like, did
23 that change anything for you?

24 A. No.

25 Q. Okay. Now, I want to be clear there have, to your

1 knowledge, there's not been construct -- there's not been the
2 placement of buoys in any other portion of the river other than
3 that one stretch that I think is captured in your affidavit; is
4 that correct?

5 A. Yes.

6 Q. And no con- -- no -- no efforts have been taken to
7 place buoys in any other place that you are aware of, correct?

8 A. Correct.

9 Q. Okay. With -- to the buoys that are placed that
10 are -- that are there presently, I -- I think you've described
11 they've been described as being about 1,000 feet long, correct?

12 A. Correct.

13 Q. And is that about right?

14 A. I would say, yes.

15 Q. Okay. Now, you would agree with me that there --
16 there have not been any reported injuries or deaths as a result
17 of the placement of those buoys, correct?

18 A. I cannot say.

19 Q. Okay. You don't know one way or the other?

20 A. Correct.

21 Q. Okay. Do you know if the area is monitored by Texas
22 DPS's or -- or the Texas Military Department, the buoy area?

23 A. I cannot say. I saw them there during my site, but I
24 cannot say --

25 Q. Okay.

1 A. -- it's monitored.

2 Q. How many times have you been to the -- the buoy site
3 since the buoys have been either construct -- been
4 constructed -- in the process of being constructed or finished?

5 A. Weekly basis.

6 Q. About every other week -- every week; is that right?

7 A. Since my first site --

8 Q. Okay.

9 A. -- when I first visited a -- or once while they were
10 identified there on that site, I would say every week maybe.

11 Q. Okay.

12 A. Once a week.

13 Q. Okay. And when you're there, what -- what is it that
14 you're there to do to observe or something else?

15 A. Again, report site conditions.

16 Q. Okay. And who do you report those site conditions
17 to?

18 A. It would be my chain of command.

19 Q. Okay. And other than the fact that the buoys are
20 there, have there been any -- have you -- have you shared any
21 concerns as to human safety about the -- the buoys being there?

22 A. No.

23 Q. Okay. You took some photographs of the of the buoys;
24 is that correct?

25 A. Yes.

1 Q. And did you do that through dr- -- drone? Did you
2 fly a drone?

3 A. No.

4 Q. Okay. All right. You -- you were on-site then when
5 you took them?

6 A. Yes.

7 Q. Okay. And you -- were you in any way prevented from
8 taking those pictures at all?

9 A. No.

10 Q. Okay. So let's look -- let's kind of go through your
11 pictures if we can. Can you tell me what this document, which
12 is at page 8 of 21, what this is a picture of?

13 A. This was part of the Evelio Siller report.

14 Q. Can you say what report that was?

15 A. The -- the Exhibit A.

16 Q. Okay. So you're talking about the June 12th meeting?

17 A. Correct.

18 Q. This -- this was given to you -- was this given to
19 you during the meeting?

20 A. No.

21 Q. Okay. How was this created, this page 8 of the
22 affidavit?

23 A. I can't say.

24 Q. Okay. Do you think it was created by DPS or one of
25 the Texas agencies? Do you think IBWC created it? Do you

1 think the DHS folks?

2 A. No, our -- our staff did this.

3 Q. Oh, your staff at IBWC did this?

4 A. Yes.

5 Q. Okay. And -- and what was the purpose of creating
6 this? Just to show where you thought DPS had indicated in the
7 June 12th meeting they would be putting the buoys?

8 A. That is correct.

9 Q. Okay. And it turned out to be that -- that those
10 buoys were actually their -- their test run of the buoys was --
11 actually occurred two miles, approximately two miles south --

12 A. That is correct.

13 Q. -- on the river?

14 Okay. So they were not put at this location at
15 the International Bridge, but instead downriver about two
16 miles?

17 A. That's correct.

18 Q. All right. Is there -- and -- let's see.

19 All right. Let's go to page 10, which is your
20 next picture. That was part of your affidavit. Now, it
21 appears that this picture must have been taken before those
22 buoys were placed into the water; is that correct?

23 A. It would appear so.

24 Q. Okay. And do you have an idea of approx- -- you took
25 this picture, correct?

1 A. No.

2 Q. Okay. Do you know who took this picture?

3 A. I believe that's Mr. Demetrius Gaines, our assistant
4 area man.

5 Q. Okay. And was -- what -- was he asked by you to take
6 the picture?

7 A. No.

8 Q. Do you know why he took the picture?

9 A. I cannot say that I do.

10 Q. Okay. And this -- this simply shows what the orange
11 buoys look like before they're deployed, correct?

12 A. That is correct.

13 Q. Okay. And then there's another picture, it's a
14 little hard to see, but there's another picture it looks like
15 of the buoys there on page 11 of 21.

16 A. Yes.

17 Q. And once again, this is before they were deployed,
18 correct?

19 A. Correct.

20 Q. And -- and this -- what -- what location -- where
21 were they? Where are they here?

22 A. They appear to be at the Shelby Park.

23 Q. Shelby Park in Eagle Pass, Texas, correct?

24 A. Correct.

25 Q. Okay. The next picture on page 12 of 21 also -- is

1 that also taken in Shelby Park?

2 A. Yes.

3 Q. Okay. And this is just another -- the buoys from
4 another angle, correct?

5 A. Yes.

6 Q. Okay. Prior to deployment. And then we have other
7 pictures. If we look on page 14 of 21, is this still -- still
8 at Shelby Park before the buoys have been deployed in the
9 river?

10 A. Yes.

11 Q. Okay.

12 A. This is -- yes.

13 Q. By the way, at the meeting on -- on the 12th, was
14 anybody from Cochrane there --

15 A. No.

16 Q. -- at the meeting?

17 A. No.

18 Q. Representative of the corporation that made them was
19 there?

20 A. No.

21 Q. Okay. Is it the case that these buoys are made, do
22 you know of -- of foam and -- and plastic; is that correct?

23 A. I cannot say.

24 Q. Okay. All right. I'll show you the next picture.
25 Is this another picture of Shelby Park, and I'm talking about

1 picture 15 of 21?

2 A. Yes.

3 Q. All right. And -- and what is that showing us?

4 A. Guess you can't see, but there's Conex boxes far away
5 down there.

6 Q. Okay. And those are Conex boxes that have been up
7 for how long?

8 MS. PEREZ: Objection, form.

9 Q. (BY MR. SWEETEN) Do you know how long those Conex
10 boxes have been there?

11 A. I cannot say.

12 Q. Okay. And what was the purpose of taking the picture
13 of the Conex boxes?

14 A. Site conditions.

15 Q. Okay. And are -- are those deployed at the border or
16 are they just resting in Shelby County [sic] -- Shelby Park?

17 A. I cannot say --

18 Q. Okay.

19 A. -- where property line is.

20 Q. Okay. But are those deployed -- is the river back
21 over the --

22 A. Yes.

23 Q. I think you're showing me here, right?

24 A. Yes.

25 Q. Okay. And the river is back there?

1 A. Yes.

2 Q. Okay. So are the Conex boxes in place in order to
3 stop immigration or somebody crossing there; is that right?

4 MS. PEREZ: Objection, form.

5 A. Conex boxes are in Shelby Park.

6 Q. (BY MR. SWEETEN) Okay. But I -- I'm trying to
7 figure out, are they deployed at the river or they just parked
8 there for -- for temporary use, if you know?

9 A. No.

10 Q. You don't know?

11 A. I mean, they're not inside the river.

12 Q. Okay.

13 A. They're outside the river.

14 Q. They're outside the river. Okay. And do you know
15 where those -- were those Conex boxes ever deployed or are they
16 still in Shelby Park?

17 A. Last time I -- I was there, yes.

18 Q. They were still in Shelby Park when you were last in
19 Shelby Park?

20 A. Yes.

21 Q. And when was that approximately?

22 A. Maybe two weeks. I can't recall.

23 Q. Okay. So I -- I guess I'm trying to figure out what
24 are we -- what -- why is this picture part of your affidavit?

25 A. It's describes site conditions.

1 Q. Okay. All right. Let's go to the next page, page 16
2 of 21. Where is this location where these buoy -- this shows
3 some buoys, looks like some fasteners. Where was this taken,
4 Shelby Park?

5 A. Yes.

6 Q. Okay. Does this reflect anything other than that
7 these are the buoys pred- -- pre-deployment in the river?

8 A. No.

9 Q. Okay. And same -- looks like it's the same with
10 page 17 of 21. These are the -- these are the buoys before
11 they were deployed in the river, correct?

12 A. Yes.

13 Q. Okay. Okay. If we can turn now to the next picture,
14 which is page 19 of 21. What -- so we -- we can see that there
15 is fence and there is concertina wire at the -- at the area of
16 the of the river. Do you see that?

17 A. Yes.

18 Q. And do you know when those, let's -- let's talk about
19 the wire that was deployed outside of the fence. Do you see
20 those there, the wire?

21 A. Yes.

22 Q. Okay. Do you know when that was put there?

23 A. No.

24 Q. Okay. It could have been months ago? Could have
25 been recently?

1 A. Yes.

2 Q. Okay. And then I think you can see in the right most
3 portion of the picture, you can see the buoys in the river; is
4 that correct?

5 A. Yes.

6 Q. Okay. Would you agree with me that there's no wire
7 that's reflected in any of the pictures of the buoys that we've
8 seen? There's no wire on the buoys, correct?

9 A. I cannot say that.

10 Q. Okay. I mean, we can go back and look at all these,
11 but you -- you would agree that on any of the pictures that
12 we've gone through, and we've gone through about six or seven I
13 would guess, there's not any concertina wire on those buoys,
14 correct?

15 A. Yeah, I cannot say that. I cannot say that there was
16 wire on the --

17 Q. You did not say that there was?

18 A. No.

19 Q. No. No. No, I'm not saying that you said that. I'm
20 just asking that there's not, is that?

21 A. No, there's not.

22 Q. All right. Very good. I wasn't accusing you of
23 saying that to --

24 A. No, I mean, I cannot say that there is not.

25 Q. Okay. All right.

1 A. I mean...

2 Q. Well let -- let's look at the next picture because
3 it's a clearer picture, I think of the buoys.

4 A. Okay.

5 Q. Now, on this picture of the buoys, there's no
6 concertina wire on those buoys, correct?

7 A. Correct.

8 Q. Okay. And with respect to -- to the -- it looks like
9 there's a piece of equipment out there. Was this -- would this
10 have been about the time that the buoys were placed out into
11 the river?

12 A. That is correct.

13 Q. Okay.

14 MS. KRUGER: Counsel, was this page 20 here?

15 MR. SWEETEN: Yeah. So we are on page 20 of 21
16 in case -- yeah. He's on it. I'm on it.

17 MS. KRUGER: Okay. Twenty or 21? I just got
18 lost.

19 MR. SWEETEN: Page 20 of 21.

20 MS. KRUGER: Okay. Got it. Sorry. Thanks.

21 Q. (BY MR. SWEETEN) All right. So it looks like
22 there's a piece of equipment. Do you know what it was doing
23 out there?

24 A. Based off picture 20 and 21, it was transporting
25 buoys.

1 Q. It was transporting buoys out there. Okay. Now,
2 there was no excavation that was occurring where those buoys
3 are?

4 A. I cannot say.

5 Q. Okay. Did you take this picture, this picture number
6 20 of 21?

7 A. Yes.

8 Q. Okay. When you were there, did you see any
9 excavation activities occurring under -- at the -- at the bed
10 of the river?

11 A. No.

12 Q. Okay. There was no ex- -- there was no digging up of
13 soil, no dis- -- no -- no construction other than placing buoys
14 out in the river, correct?

15 A. While I was there --

16 Q. Okay.

17 A. -- I did not see any of that.

18 Q. Okay. Thank you. Now, we, as I said, we can see
19 these buoys better. There's no concertina wire on those buoys,
20 right?

21 A. Yeah. Yes. There's no concertina wire on there.

22 Q. Okay. Do you know approximately how many days -- how
23 long it took them to install this section of buoys?

24 A. No.

25 Q. Okay. It is not your contention, is it, that the

1 buoys are on the -- the Mexican side of the river; is it?

2 A. I cannot say.

3 Q. Okay. You're not claiming that though here, right?

4 A. No. No.

5 Q. Okay. Okay. Do you know how the buoys are kept in
6 place?

7 A. No.

8 Q. Okay. It is not your testimony, is it, that these
9 buoys are moored to the -- to the floor of the river; is it?

10 A. No.

11 Q. Okay. Was it told to you in the June 12th meeting
12 that the buoys were temporary?

13 A. No.

14 Q. Was it told to you that they could be moved to other
15 locations?

16 A. Okay.

17 Q. Is that a yes?

18 A. Okay. Can you repeat the question?

19 Q. Yes. Was it told to you that those were temporary
20 structures, the buoys? Not structures. That they were
21 temporarily going to be placed in the river?

22 A. I can't say that temporary was specifically
23 described.

24 Q. Okay. Was it told to you that those could be placed
25 in different -- could be moved to different parts of the river?

1 A. Yes.

2 Q. Okay.

3 A. That's fair.

4 Q. All right. And was it told to you that that was a
5 possibility that they would move to different areas of the
6 river with these buoys?

7 A. I was told that these buoys could go up on other
8 sites, but not necessarily that these buoys could be
9 transported.

10 Q. Okay. But that was your assumption, correct? If
11 they could be moved that they -- these -- these very buoys
12 could be moved also, correct?

13 A. I guess you could say.

14 Q. Okay. So I asked you if you knew whether the buoys
15 were moored to the floor of the ocean -- the river, and you
16 said you didn't know one way or the other; is that correct?

17 A. Correct.

18 Q. All right. I want to ask a few questions along those
19 lines and the answer may be the very same. Do you know if --
20 if the buoys in any way were affixed to the bottom of the
21 river?

22 A. No.

23 Q. Do you know if they were attached in any way to the
24 bottom of the river?

25 A. No.

1 Q. Okay. Do you know if they were bolted in any way to
2 the bottom of the river?

3 A. No.

4 Q. Okay. Now, are you aware of letters exchanged
5 between the IBWC and different departments of -- of Texas state
6 government regarding issues on the border?

7 A. Can't say that I have.

8 Q. Okay. So if -- if there had been letters, like, say,
9 earlier in the year about water from Mexico or other issues,
10 that's not something that you were a part of or know about,
11 correct?

12 A. I would say --

13 Q. Okay.

14 A. -- correct.

15 Q. When is the last time you saw the buoys?

16 A. Sometime last week of July.

17 Q. And had the -- does do the pictures that are here on
18 page 20 of 21 and 21 of 21, you see these? Does it still look
19 like that approximately?

20 A. No, I think it's longer now.

21 Q. Okay. Do you know how much longer it is then?

22 A. No.

23 Q. Okay. Because it looks like they were still
24 constructing it in these pictures; is that right?

25 A. Correct.

1 Q. All right. Thank you, Mr. Gomez. Now, you have not
2 seen -- when you saw it -- the last time you saw it, you did
3 note there had not been concertina wire, any kind of wire or
4 any structure -- okay. Let me ask the question again.

5 You had not concertina wire nor any sort of
6 spike, structures or anything like that have been placed on
7 those buoys, correct?

8 A. Correct.

9 Q. Okay. All right. When we look at the pictures on
10 page 20 and 21, it appears that the buoys are, they're running
11 parallel to the banks of both sides of the river, correct?

12 A. Somewhat apparently.

13 Q. Somewhat. They -- they do not go across the river,
14 correct?

15 A. Correct. Yeah.

16 Q. And -- and they, in other words, traffic that wanted
17 to go upriver or downriver is not blocked by those buoys,
18 correct?

19 MS. PEREZ: Objection, form. You can answer,
20 Mr. Gomez.

21 A. I guess they could travel up -- up the river and down
22 the river.

23 Q. Okay. Because as you say in your affidavit, you --
24 you explained that -- that the buoys are four-foot-diameter
25 floating barriers manufactured by Cochrane, USA, correct?

1 A. Correct.

2 Q. All right. As far as the -- as to the installation
3 and the -- and characteristics of the buoys, you would agree
4 with me that the expert here would likely be Cochrane, USA, the
5 manufacturer of those buoys, correct?

6 A. Correct.

7 Q. Okay. In paragraph 11, you talk about -- you say,
8 and that's on page 4 if you want to read it with me. All
9 right. So this first sentence says that "On July 13th, 2023, I
10 drove personnel from the Mexican Section of the Commission and
11 the U.S. Army Corps of Engineers to the installation site
12 approximately 2 miles downstream of International Bridge." Did
13 I read that correctly?

14 A. Yes.

15 Q. How often do you work with the U.S. Army Corps of
16 Engineers?

17 A. Not very much.

18 Q. Okay. Did the Army Corps of Engineers tell you why
19 they were interested in the buoys that were being built?
20 being -- being placed in the river?

21 A. Again?

22 Q. Yeah. Did the U.S. Army Corps of Engineers tell you
23 why they were there and -- and wanted to see the buoys that had
24 been placed in the river?

25 A. Clean Water Act.

1 Q. Okay. Anything else other than Clean Water Act, did
2 they say?

3 A. Not that I recall.

4 Q. Did they tell you whether or not they -- they had a
5 problem with the -- in the -- the placement of the buoys in the
6 river?

7 A. Not that I can recall.

8 Q. They didn't complain about the buoys in the river?

9 A. Not that I can recall.

10 Q. Okay. Did anybody from the Corps of Engineers
11 indicate that they thought it was blocking travel in the river?

12 A. Not that I can recall.

13 Q. Okay. In paragraph 14, you say "Texas has not
14 provided USIBWC with any design drawings, construction plans,
15 or other technical information on the installation or design of
16 the buoy system." Do you see that?

17 A. Yes.

18 Q. Did I read that provision correctly?

19 A. Yes.

20 Q. Okay. And -- and is -- are -- are -- you didn't say
21 it here, you're -- are -- you're not suggesting that -- that
22 DPS or the state officials had to provide that under -- had to
23 provide that to the USIBWC, are you?

24 A. Normally -- if I can answer. Normally, any
25 floodplain -- I mean, any activities within the floodplain,

1 they would go for USIBWC review. Any activities or any
2 construction that happens on the River Grande Floodplain so...

3 Q. Well, let's go through it again though. You --
4 you've indicated that -- that you -- you're not familiar with
5 how you -- you said the word construction. Okay?

6 A. Any type of development.

7 Q. Well, I mean, I think that's what the lawsuit fight
8 is about.

9 A. Okay.

10 Q. But -- but -- but with respect to buoys placed in the
11 river, what authority would you be relying upon to suggest that
12 you -- that the State of Texas has to provide notice to the
13 IBWC that a buoys been put in the river?

14 A. I would just base off experience that activities I
15 report, and I would say they would go for agency review or not.
16 The agency would notify me.

17 Q. Okay. Are you claiming right now that there is some
18 law that requires the State of Texas if they're going to put a
19 buoy out that, they have to tell the IBWC, and if so, I want to
20 know what that law is.

21 A. Okay.

22 Q. What?

23 A. No, I'm saying that normally when there's any
24 activities or development that happens within the floodplain, I
25 normally report up --

1 Q. Okay.

2 A. -- to -- that's all I mean.

3 Q. Did -- did you report the June 12th meeting that the
4 state officials had had with you and -- and multiple other
5 agencies about the buoys?

6 A. Yes.

7 Q. Okay.

8 A. That was in the Exhibit A.

9 Q. In the middle?

10 A. Yeah.

11 Q. Yeah. Okay. Here you say -- first of all, the term
12 floating barriers. How did you come up -- did the -- did the
13 attorneys come up with the word floating barriers or did you?

14 MS. PEREZ: Counsel, could you...

15 MR. SWEETEN: On -- on paragraph 16.

16 A. That's probably me.

17 Q. (BY MR. SWEETEN) Okay. You -- here you say that
18 they "are an impediment to the sections crossing independently
19 in this part of the river." Did I read that correctly?

20 A. Yes.

21 Q. Now, can you tell me a single time when the IBWC over
22 this 1,000 foot stretch has tried to cross that portion of the
23 river?

24 A. Not since July 20th.

25 Q. Okay.

1 A. July 25th.

2 Q. Okay.

3 A. I would say no.

4 Q. What about before July 20th? When is this -- when --

5 A. I mean, since before July 20th.

6 Q. Got it.

7 A. Up to July 25th.

8 Q. All right. There's -- let me rephrase the question,
9 make sure it's clear what you just said. You've said that
10 there's not a single time prior to July 25th, 2023 that you can
11 recall the IBWC attempting -- the section attempting to cross
12 in this area of the river. That's what you just said, correct?

13 A. Yeah, the U.S. --

14 MS. PEREZ: Objection, form.

15 A. -- I --

16 MR. SWEETEN: He -- he's answering.

17 Q. (BY MR. SWEETEN) Go -- go ahead.

18 A. Yeah, I'm trying to remember. I can't recall.

19 Q. Okay. You can't recall a time?

20 A. Yeah.

21 Q. Okay. And then what -- were there any plans that the
22 IBWC had in the over 70 miles of river that exists in Maverick
23 County to cross that specific section of the river? The 1,000
24 foot area of the river there?

25 A. Yeah. Without agency review, I cannot say.

1 Q. Okay. Now, you say in the next paragraph "On July
2 20th, 2023, the Mexican Section of the Commission planned to
3 survey the riverbed just upstream of the buoy system." Did I
4 read that correctly?

5 A. Yes.

6 Q. Okay. And with respect to that, you're saying
7 upstream, approximately how far upstream would you say they
8 were going to -- to do this, go survey the riverbed?

9 A. Right at the buoy site.

10 Q. Okay. You're saying -- now, here it's -- it doesn't
11 say right at the buoy site, it says just upstream of the buoy
12 system. So which one of those two is correct?

13 A. Right at the buoy site. Just upstream of the buoy,
14 right there.

15 Q. Okay. So is there any reason that that riverbed
16 survey could not be conducted in as much as it's north -- it --
17 it'd be north of the of -- of the buoy site?

18 A. No, north of the buoy, you could carry it out.

19 Q. Okay. So it could still, this riverbed survey can
20 still be carried out?

21 A. Upstream of the buoy, yes.

22 Q. Okay. And -- and the DPS officers on duty have not
23 tried to stop you-all from doing IBWC work actively, correct?

24 A. Correct.

25 Q. There's not been any time when you've had DPS say

1 you're not going where -- where you were going, correct?

2 A. Correct.

3 Q. All right. Because you have your job to do, and they
4 have their job to do, right?

5 A. Correct.

6 Q. Okay. And their job is to try to stop the flow of
7 migrants and the dangerous crossings in the Rio Grande; isn't
8 it?

9 MS. PEREZ: Objection, form. Mr. Gomez, you can
10 answer, if you know.

11 A. I'm not fully aware of all the DPS duties.

12 Q. (BY MR. SWEETEN) Isn't that your understanding of
13 just what Operation Lone Star is trying to do?

14 A. Correct.

15 Q. Okay.

16 MR. SWEETEN: All right. I'm going to take a --
17 a break. I've got to talk my co-counsel. I've got to see what
18 other questions I've got to ask. So we're going to take a
19 break real fast, if that's okay? Maybe take five?

20 MS. KRUGER: Yeah, that's great.

21 THE REPORTER: 3:07 p.m., off the record.

22 (Break taken from 3:07 p.m. to 3:18 p.m.)

23 THE REPORTER: Okay. 3:18 p.m., back on the
24 record.

25 Q. (BY MR. SWEETEN) Thank you, Mr. Gomez. We're back

1 on the record after the break. Just have a few more questions
2 for you, sir.

3 First, have you ever seen a U.S. Coast Guard
4 vessel in the -- in the entire 70-some-odd mile stretch of
5 re- -- of the Rio Grande in Maverick County?

6 A. No.

7 Q. Okay. Second, with respect to the segments of the
8 river that are in Maverick County, would you agree that some of
9 those, there's sand bars in a lot of areas in the river in that
10 70 mile stretch?

11 A. I really cannot say --

12 Q. Okay.

13 A. -- certainty.

14 Q. Would you agree that some of those areas show shallow
15 water -- have shallow?

16 A. Yes.

17 Q. Okay. And when we're talking shallow, it can get
18 very shallow, like sometimes even dry, correct?

19 A. Yes.

20 Q. Okay. So there's -- there's not consistent depths
21 along the -- along the river section of this in Maverick
22 County, correct? There's -- there's a lot of inconsistency in
23 depth, correct?

24 A. There's inconsistencies of depth, you know, lots of
25 the river, so I would imagine Maverick County's probably

1 similar.

2 Q. Okay. Like a lot of other sections of the Rio
3 Grande, inconsistent depths. Okay. Are there small islands in
4 sections of -- in -- in segments of the Rio Grande in Maverick
5 County?

6 A. Can't say, but there are islands on the river.

7 Q. Okay. Are there at times large rocks in the river
8 along that 70 mile stretch?

9 A. I cannot say.

10 Q. Okay. Sometimes manmade debris is in that river?

11 A. Manmade debris? Are you talk of plastics?

12 Q. Yeah.

13 A. Yes.

14 Q. Okay. Sometimes there's natural debris like log
15 stumps in the river?

16 A. Yes.

17 Q. Sandy shoals along that 70 mile segment of the river?

18 A. I would say, yes.

19 MR. SWEETEN: I have no further questions.

20 Mr. Gomez, thank you for your time.

21 THE WITNESS: Thank you.

22 MS. PEREZ: And we don't have any questions.

23 THE REPORTER: Okay. 3:21 p.m., off the record.

24 (End of proceedings.)

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PAGE	LINE	CHANGE	REASON
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[illegible]

1 I, MARIO GOMEZ, have read the foregoing deposition
2 and hereby affix my signature that same is true and correct,
3 except as noted above.

4
5 _____
MARIO GOMEZ

6
7
8
9 THE STATE OF _____)

10 COUNTY OF _____)

11
12 Before me, _____, on this day
13 personally appeared MARIO GOMEZ, known to me (or proved to me
14 under oath or through _____) (description
15 of identity card or other document) to be the person whose name
16 is subscribed to the foregoing instrument and acknowledged to
17 me that they executed the same for the purposes and
18 consideration therein expressed.

19 Given under my hand and seal of office this
20 _____ day of _____, _____.

21
22
23 _____
24 NOTARY PUBLIC IN AND FOR
THE STATE OF _____
25 COMMISSION EXPIRES: _____

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA,)
)
Plaintiff,)
VS.)
) CIVIL ACTION
) NO.1:23-00853-DAE
GREG ABBOTT, in his official)
capacity as Governor of the)
State of Texas, and the State)
of Texas,)
)
Defendants.)
)

REPORTER'S CERTIFICATION
DEPOSITION OF MARIO GOMEZ
AUGUST 7, 2023

I, Ariana McCoy, Certified Shorthand Reporter in and for
the State of Texas, hereby certify to the following:

That the witness, MARIO GOMEZ, was duly sworn by the
officer and that the transcript of the oral deposition is a
true record of the testimony given by the witness;

That the deposition transcript was submitted on
August 9, 2023 to the witness or to the attorney for the
witness for examination, signature and return to me by
September 8, 2023;

That the amount of time used by each party at the
deposition is as follows:

Ms. Krystal-Rose Perez00 HOUR(S):00 MINUTE(S)

Mr. Patrick Sweeten01 HOUR(S):04 MINUTE(S)

1 That pursuant to information given to the deposition
2 officer at the time said testimony was taken, the following
3 includes counsel for all parties of record:
4 Ms. Krystal-Rose Perez.

5
6 That \$_____ is the deposition officer's charges to
7 the Plaintiff for preparing the original deposition transcript
8 and any copies of exhibits;

9 I further certify that I am neither counsel for, related
10 to, nor employed by any of the parties or attorneys in the
11 action in which this proceeding was taken, and further that I
12 am not financially or otherwise interested in the outcome of
13 the action.

14 Certified to by me this 8th day of August, 2023.

15
16 

17 _____
18 Ariana McCoy, Texas CSR 9445
19 Expiration Date: 08/31/2023
20 Integrity Legal Support Solutions
21 9901 Brodie Lane
22 Suite 160-400
23 Austin, Texas
24 210-277-6200- phone
25